

## DAVIS ON STAND IN OWN DEFENSE

Jury Very Attentive to Evidence  
of Accused Bank Official.

### CARTER R. BISHOP TESTIFIES

Instructions to Be Asked by  
Counsel Will Be Presented  
To-Day.

Times-Dispatch Bureau,  
5 Bollingbrook Street  
(Phone 1485).

Petersburg, Va., March 26.—On the opening of court this morning in the trial of Charles Hall Davis on the indictment alleging the making of a false report of the condition of the bank of the Appomattox Trust Company, of which he was president, on July 15, 1908, Judge Mullin announced that he would allow the Commonwealth to introduce the newspaper publications of the official statement of the Appomattox bank as of May 14 and July 15, not for the purpose of showing notice, but to show that the law had been complied with. The publications were therefore introduced, and the defense objected.

John L. Graves, bookkeeper of the old Appomattox Company, was recalled by the Commonwealth, and in answer to questions read from the individual ledger the figures showing all overdrafts at the close of business on May 14, 1908, aggregating the amount of \$24,835.52. Witnesses also read the overdrafts at the close of business on October 5, 1908, amounting \$7,413.58. From the general ledger Mr. Graves read the amount of bills receivable, deposits subject to check, other deposits, etc., as of May 14, 1908. The same was read also as to the conditions at the close of business on September 23 and October 5, 1908. To all of this evidence the defense objected and excepted. The court ruled out a question as to the condition of affairs in the bank as of July 15, 1908, asked by the Commonwealth, to prove falsity of some of the items as shown in the official statement of that date.

A Pleasant Episode.  
And here grateful compliments were paid Judge Mullin for his great patience in the hearing of the case, with all its varied features and discussions, a patience and calmness that are evidence of a good judge. These compliments came from Mr. Lee, of counsel for the defense, and Commonwealth's Attorney Mann. This was a pleasing touch and a relief from the dry routine of figures.

Witness Graves was further examined as to figures on the general ledger in comparison with the figures on the bank's official statement, and the Commonwealth called at 12:15 o'clock rested its case.

Defense Begins.  
Counsel for defense asked for a brief time for conference which was granted.

When court reassembled, W. E. Dill, Jr., president of the Willard Manufacturing Company, testified as to the time of credit established in June, 1907, with the Appomattox Bank by the company, a note for \$5,000 being furnished by Fisher Collier, with proper collateral. In May, 1908, the company gave their own note for \$5,000 in



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place of the Collier note, to secure their obligations, and continue their line of credit. The note was given at the request of the cashier, in preference to indorsing the Collier note, and witness did not know it had been discounted. The company's indebtedness to the bank up to July 15, 1908, continued around \$6,000, sometimes a little over, sometimes less. Interest was paid on it.

Dr. John Mann testified that he attended Mr. Davis during his illness in 1908, and as to an operation performed on him, July 29. He was sick for some time before and after the operation, and was attended by him for about a month. His total disability continued into August and up to the time the false alleged report of July 15 was made out by Cashier Bishop. This report was subsequently attested by Mr. Davis during a brief visit to his office.

Afternoon Session.  
The first witness for the defense was Carter R. Bishop, former cashier of the Appomattox Trust Company.

Mr. Hamilton Wilcox, counsel for Mr. Bishop, called the attention of the court to the fact that Mr. Bishop is under ten or eleven different indictments for false reports, and should have the protection of the court; that his testimony should be confined to the connection of Charles Hall Davis with this case, and not to his own connection with it, and should not be allowed to incriminate himself in his answers. Counsel for defense said they had only five questions to ask, and these had

only reference to Mr. Davis. The court advised Mr. Bishop as to his privilege.

Mr. Bishop said he made the report of the condition of the bank, as cashier, as of July 15, 1908; that Mr. Davis was not present when he made it, that he presented the report to Mr. Davis, who signed it without reading it, that there was urgent haste for him to sign it, because it was the last day on which the statement could be mailed; that Mr. Davis signed the report, handed it back and he left to mail the report.

In response to Commonwealth's attorney's questions, Mr. Bishop said he was much interested in this case, and in the result, he had some consultations about the case with Mr. Davis, but not frequent. This terminated Mr. Bishop's examination.

Mr. Davis on the Stand.  
Mr. Davis being sworn, said that he attested as director the statement of July 15, 1908. He was in his office temporarily about midday on August 15, 1908, when Bishop came in with the report and asked him to attest it, as it was the last day on which the report could be mailed, and that it had been attested by two other directors; he opened the report, saw that two other directors had attested; signed it and handed it back to Mr. Bishop. Did not read the report. He had never before attested any of Mr. Bishop's reports of the condition of this bank, but had done so in another bank in which he was a director and Bishop the cashier. He had known Mr. Bishop all his life, regarded him as an experienced bank officer; esteemed him highly and had full confidence in him. He was elected cashier of the Appomattox Trust Company upon the recommendation of some of the best financiers in the city. Mr. Davis said that he did not know of the call for the report of the company as of July 15, until the day he was asked to sign it in his office. He had been out of the city and sick for several weeks.

Mr. Davis said he was taken sick in New York and brought home and operated on. He had been two weeks at home sick, and the statement was presented to him in his office while dictating letters. Had no information of the call and had nothing to do with making the report. Had no knowledge of correspondence with Mr. Bishop as to overdrafts until October 5, 1908. He knew he was overdrawn considerably July 16, but did not know how much. Had no special arrangement with the bank for overdrawing, but always had collateral deposited to secure the bank. Among the collateral was \$27,000 bonds of the Virginia Passenger and Power Company, which he regarded as worth a premium, and a contract valued at \$50,000. He had borrowed from another bank as much as \$10,000 on similar bonds of the Passenger and Power Company. The subsequent sale of the \$27,000 of bonds at auction for a small sum was due to litigation and foreclosures, which caused depreciation of their value. These were second mortgage debenture bonds issued by the Virginia Passenger and Power Company. Mr. Davis explained fully and clearly the situation of this issue of bonds, and the jury was very attentive to his explanation. Mr. Davis also explained the W. L. Young and Paul Pettit notes of \$21,000 and \$27,000, respectively, for which he assumed responsibility, and also his contract with the Halsey Company, which he estimated to be worth \$50,000. It was during Mr. Davis's testimony relative to this contract that the court, with agreement of counsel, adjourned until 10 o'clock to-morrow. It was desired to give counsel on both sides time to-night to work on the instructions to be asked in order that they might be presented to the court to-morrow after the close of Mr. Davis's testimony. These instructions will be of very important character. Should the court hold a night session to-morrow, the case may be ended; otherwise not until Thursday.

SUCCEEDS HIS FATHER.

James E. Porter Takes Oath of Office as County Clerk of Louisa.  
(Special to The Times-Dispatch.)  
Louisa, Va., March 26.—Judge Geo. S. Shackelford arrived this morning and James E. Porter took the oath of office as county clerk to all the unexpired term of his father, who died on March 17. James Porter was notified yesterday by wire that he would be appointed. No appointment for deputy clerk has been made as yet.

Charged With Home-Breaking.  
(Special to The Times-Dispatch.)  
Sallyburg, N. C., March 26.—Charged with home-breaking, C. C. Southern, a young white man, was arrested in Sallyburg late last night and lodged in jail. While the family was away yesterday he is charged with having entered the home of D. L. Canby, a merchant, for whom he worked, and stolen a pistol, a small amount of money and other things, which were found on his person when arrested.

## MEAT PACKERS ARE NOT GUILTY

Government Lawyers Greatly Upset by Verdict—Had Thought Jury Would Convict.

### VERDICT ON THIRD BALLOT

Jurymen Declare They Could Not Waive Through Mass of Evidence.

Chicago, Ill., March 26.—Chicago packers ended a ten years' legal battle with the government to-day, when a jury in United States District Judge Carpenter's court found them not guilty of violating the criminal section of the Sherman antitrust law.

Whether further investigations into the beef packing industry will be made, District Attorney Wilkerson refused to say. He was overwhelmed by the verdict. He had been confident of convictions.

The verdict came after the jury had been out nineteen hours. At no time during the deliberations were the packers in danger. Only three ballots were taken. The first was 5 to 4 for acquittal, the second 11 to 1, and the third was unanimous.

Failure of the government to prove its case beyond reasonable doubt was responsible for the verdict, several jurors said. They did not review the exhibits in the case. The mass of figures and reports mystified them. To have attempted to untangle them would have been useless, it was agreed.

The verdict was received quietly. Only two defendants—Thomas J. Connors, a director and general superintendent of Armour & Co., and Edward Tilden, president of the National Packing Company—were in court when the jury returned its verdict. As soon as the verdict was read the two packers leaped to their feet and shook hands with the jurors. Attaches of the district attorney's office, grand jury, and the courtroom hurriedly. The two spectators made no demonstration. In half an hour the room was clear.

The Defendants.  
The ten defendants accused by the government and acquitted are:

Swedish-born Louis P. Swift, president of Swift & Co.; Edward P. Swift, vice-president of Swift & Co.; Charles H. Swift, director of Swift & Co.; Francis A. Fowler, manager dressed beef department Swift & Co.

Armour group—Edward Armour, president; Armour & Co.; Arthur Meeker, director and general manager; Armour & Co.; Thomas J. Connors, director and general superintendent; Armour & Co.

Morris group—Edward Morris, president; Morris & Co.; Louis H. Heyman, manager; Heyman & Co.; Edward Tilden, president of the National Packing Company.

Counsel for the defendants were jubilant over the verdict. George T. Buckingham, who throughout the trial represented the Swift interest, said: "The verdict was what I expected. The government failed to make out a case, and for that reason we declined to offer any evidence."

John S. Miller, of counsel for the packers, said: "We are extremely grateful to the court to be satisfied with this verdict and this should put an end to the long drawn out attack on the beef industry. I could see no other verdict possible under the evidence presented."

"Just what I have always looked forward to," said Thomas J. Connors, one of the defendants. "Too much suspicion, no facts, and no violation are not good ingredients for a successful prosecution."

"Suits me to a T," said Edward Tilden.

Government Disappointed.  
Washington, March 26.—Officials of the Department of Justice plainly showed their disappointment over the acquittal of the packers, but declined to make any public statement.

At the Department of Justice it was freely confessed that the outcome of the trial would increase the government's task of securing convictions under the criminal clause of the Sherman antitrust law. It was premature, officials added, however, to forecast the ultimate status of the clause before courts and juries. The present, they stated, was a period for marking time in that connection.

The acquittal of the packers ends the case. The government has no appeal.

The attorney-general has not yet given consideration to the question whether he will revive the civil proceedings under the Sherman law against the packers, which were dismissed by the government a few months ago.

## NOW OUT OF DANGER

Buds of Humanity Droop No More But Grow Into Fair Flowers.

"Many children in all ranks of life are seriously underfed," says Dr. Woods Hutchinson.

And therefore they fall a prey to tuberculosis, which pounces on the ill-nourished.

Little buds that seemed destined never to blossom grow into bright flowers of humanity under the nourishing power of Ozomulsion.

From white-faced, drooping, peevish little invalids they are changed into plump, red-cheeked, healthy lads and lasses.

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## WOMAN IS ROBBED ON S. A. L. TRAIN

Misses Purse at Raleigh, and It Is Found With Contents Gone.

### UNDERWOOD CLUB ORGANIZED

Dates for National Guard Target Practice and Team Matches.

(Special to The Times-Dispatch.)  
Raleigh, N. C., March 26.—The Seaboard Air Line detectives and the police are looking for some one guilty of robbing Mrs. M. M. Drake of the contents of her purse yesterday on the Weiden-Raleigh passenger train. The woman was coming from Weiden to Raleigh on her way to Weiden to visit her parents. She missed the purse when she had gotten off the train here, and it was found in the train with a check for \$10 and \$3 in cash gone. The filled purse was found by the train porter and turned over to the conductor, who delivered it to Mrs. Drake.

A series of Bible study lectures by Rev. Lewis Schaefer, of New York City, is in progress at the First Presbyterian Church, with Bible students from all the churches of the city participating. There will be lectures each afternoon this week.

Deputy Insurance Commissioner W. A. Scott left to-day on an inspection trip as to fire-escapes and fire protection in Oxford, Weiden, Roanoke Rapids, Scotland Neck and Halifax. Deputy Commissioner F. N. Jordan has gone to Union county to investigate suspicious fires reported to the State Department of Insurance.

A Raleigh and Wake county Underwood Club to work for Oscar W. Underwood's nomination as Democratic candidate for President was formed to-day here, with Claude B. Barbee, a wealthy cotton merchant and rail-road builder, as president; James L. Johnson, Mayor of Raleigh, as vice-president, and James S. Little, a young attorney, as secretary-treasurer. For the preliminary work of the meeting P. H. Gold, Jr., presided.

About 100 members were enrolled, and it is claimed that 200 are secured. Adjutant-General P. L. Leinster, of the North Carolina National Guard, announces dates for target practice and team matches this spring.

Second Infantry and First and Second Companies of Coast Artillery, the latter being Newbern and Wilmington, will have their contests at Goldsboro April 15 to 17. The First Infantry and the Fourth and Fifth Companies, Coast Artillery, the latter being Salisbury and Charlotte, and Troop "A," Cavalry, will contest at the Gastonia range April 22 to 24. The Third Infantry and the Third (Greensboro) Company of Coast Artillery will contest on the Raleigh range May 9 to 12. There will be very attractive prizes to be awarded. The first meetings of the kind were held last season, and were remarkably successful.

The Supreme Court called for argument to-day the appeals from the Seventh Judicial District. There are seventeen cases docketed, and it is expected the arguments will require the greater part of the week.

The list of appeals follows:

State vs. Price; State vs. Garner; State vs. Dupont; State vs. Sam Bruno; State vs. Mastella; Thomas vs. Ashe; Wicker vs. Jones; Johnson vs. Atkinson; Coast Line Railroad Company vs. Peeler's N. & S. C. Railroad Company; Phoeney vs. Hughes; McLeod vs. Jones; Wharton vs. McKnight; Chewning vs. Eason et al.; Hammond vs. Seaboard Air Line; Wissler vs. Yarkin River Swer Co.; Hamilton vs. Nance.

In charging the grand jury for the opening of Wake County Court in session this week, Judge J. L. Webb declared that it is just as much the duty of the jury to indict for selling liquor as for stealing, and that if there were to be no enforcement of the prohibition law then the law for stealing and similar offenses should not be enforced. He urged the jurors to indict not only the common "blind tiger" class of retailers, but also to indict the druggists who sell without prescriptions, and the doctors who give prescriptions when whiskey is not needed for the betterment of the patient's health.

The City Drug Company, Burlington, received a charter to-day with \$25,000 capital authorized and \$3,000 subscribed by J. W. Morrow, J. N. Taylor, J. W. McPherson and others for general drug business. Other charters are for the Wisconsin Lumber Company, Edenton, capital, \$10,000, by J. N. Pruden, of Edenton, and a charter for Pennsylvania capitalists, and to of Enterprise Telephone Company, of Arnold, Davidson county, capital \$5,000, by J. A. Jordan and others.

ASHLAND NEWS NOTES  
(Special to The Times-Dispatch.)  
Ashland, Va., March 26.

Mr. and Mrs. S. S. Skelton, of Amsterdam, N. Y., are spending several days at the Henry Clay Inn with Mrs. L. C. Fisher.

Mr. and Mrs. Carol Gathright, of Goodland county, were recent guests of Mr. H. T. Gathright.

Miss Lou Reed and Master Hill Carter are visiting relatives at "Hybla."

Miss Amy Worth has returned to her home in Richmond, after a visit to Mrs. Sam Carter.

Mrs. Elizabeth Deswell, mother of Stonewall J. Deswell, is very ill at her home here.

Mrs. Harrison, who has been the guest of Miss M. U. Fisher, has returned to her home in Washington, N. C., accompanied by Miss Marjorie Wicks.

Miss J. Watkins Lee is in New York, visiting her daughter, Mrs. Stewart Smith.

Lyle Rice is visiting friends in Washington and Alexandria.

Dr. Edward W. Bowen, of Randolph College, has been elected to the faculty of the summer Normal University, at Berkeley, and will leave early in June to take up his work.

Captain B. H. Hand has been spending several days at the Henry Clay Inn. Mrs. S. C. Hatcher and R. E. Blackwell left to-day for Roanoke, to attend the Baltimore conference, which is meeting there.

Mrs. Mamie Sangster, of South Richmond, was the guest to-day of Mrs. E. E. Hartsock.

Mrs. Ivey Forman Lewis entertained informally this afternoon in honor of Mrs. Frank Day, who with Mr. Day leaves Friday for an extended trip abroad. Assisting Mrs. Lewis receive were: Mrs. Day, Misses Mary Wright, Margaret Tucker, and Nell Lewis.

Those invited were: Mesdames R. E. Blackwell, H. B. Stanley, T. M. Jones, S. C. Hatcher, John Fisher and Mary Jones. Miss Eunice West gave a most gen-

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OF

## The Times-Dispatch

Will Be Out Next Sunday

THE MAN IN THE BOX, by Edwin Wildman, is a story of a man who couldn't find the woman he loved. When he does locate her, she quickly disappears. All in all, it is a rattling good story.

TRAINING ANIMALS TO EARN THEIR OWN LIVING is an occupation that has its fascinations as well as its dangers. Mary Ellen Velvin contributes an article in next Sunday's Magazine.

POVERTY RUBS ELBOWS WITH RICHES "On a Park Bench." Guy Arthur Jamieson, in a story of that title, touches the heart strings.

THOSE WHO NEVER COME BACK—What became of Dorothy Arnold? Life is full of instances where people mysteriously disappeared, and the world will never know whether or not they tried to come back. Laura Crozer writes about them next Sunday.

A MINISTER WHO MARRIED A SNAKE CHARMER would naturally have troubles of his own. THIS one did. And his troubles were not all of the congregational kind, either.

HUSTLING JIM, by whose comings and goings certain people set their watches, once worked for 75 cents a day in a machine shop. Now he's a master of finance and one of America's big bankers. Want to know more about him? Buy THE TIMES-DISPATCH next Sunday and read the story about him in the series, "When They Were Twenty-One."

## The Sunday Times-Dispatch

ORDER NOW

joyable party at her home, in Gwathmey, last Friday night. Games, guessing contests entertained the guests until a late hour, when delightful refreshments were served. Among those present were: Mrs. Long, Hunter, Smith, Kirk, Ferge, Long, Harris, Whitsett, Smith, of Richmond, Weisiger, Droste, Whipperman, of Kenwood; Gary, Terrell, and Howison, of Gwathmey; Messrs. Tatum, Robert and Charles Sheffy, Rives and Wesley Childs, Blanton, Nicholson, Dawson, Hopkins, Long, and Tucker, of Randolph-Macon College; Cook, Tyler, Thomas and Robert Gary, Gwathmey; Droste, of Kenwood; Ryland, and Robertson, of Richmond. The chaplains were: Mesdames Kirk, of Richmond; I. G. West, M. M. Foster, and Marsh, of Gwathmey.

COMMITTEE WILL MEET TO-DAY.  
To Agree Upon Date for Democratic Primary in Eighth District.  
(Special to The Times-Dispatch.)

Alexandria, Va., March 26.—The Eighth District Congressional Committee will meet here at 2 o'clock to-morrow afternoon at the offices of G. L. Boothe for the purpose of fixing upon a date for a Democratic primary to nominate a candidate for Congress.

So far as known there is no opposition to Representative C. C. Carlin. A time limit will be fixed by the committee for candidates to submit their names and in the event Mr. Carlin is the only candidate he will be declared the party nominee at a subsequent meeting of the committee.

The Alexandria Trades Council has decided not to place candidates in the field for City Council, but will investigate the records of all of the incumbents and report upon them at a future meeting.

Policeman James Talbot while attempting to arrest a white man at

an early hour this morning was badly beaten. The man escaped suddenly. He was fired at him by Folliceman's hot and Nowland, who were on that boat.

DIES ON EVE OF BIRTHDAY.  
While Anticipating Family Reunion Berryville Citizen Expires Suddenly.  
(Special to The Times-Dispatch.)

Winchester, Va., March 26.—While anticipating with much pleasure the celebration to-day of his seventy-sixth birthday with his kinsmen and friends, Horace P. Deahl, a Berryville undertaker, was seized yesterday with angina pectoris and expired suddenly. He was a member of an old Clarke county family. He married his first cousin, Miss Bettie Deahl, of Winchester, who survives with three daughters—Miss Lucy Deahl and Mrs. William McKay, of Berryville, and Mrs. Nelson Walker, of Cincinnati. One son, Theodore Deahl, of Berryville, and one daughter, Miss Mary Deahl, of Washington, a nephew, Philip J. Affleck, also lives in Washington, and another, Charles Deahl, lives in Alexandria.

During the Civil War he was first lieutenant in Company I, Second Virginia Infantry, and was later transferred to the Clarke Cavalry. During the latter part of the war he was a prisoner in Fort Delaware. His funeral will take place to-morrow morning from Grace Protestant Episcopal Church, of which he was a member. Rev. Edward Wall officiating.

Will Name Date for Primaries.  
(Special to The Times-Dispatch.)  
Ashville, N. C., March 26.—Chairman J. E. Swain, of the Buncombe county Democratic Executive Committee, has issued a call for a meeting to be held at the county courthouse next Saturday at which time it will be decided whether or not more than one date shall be named for the primaries for various offices. The date of the general primary will also be named, and other matters pertaining to the party will be discussed and decided.

Enjoyment For The

## Deaf

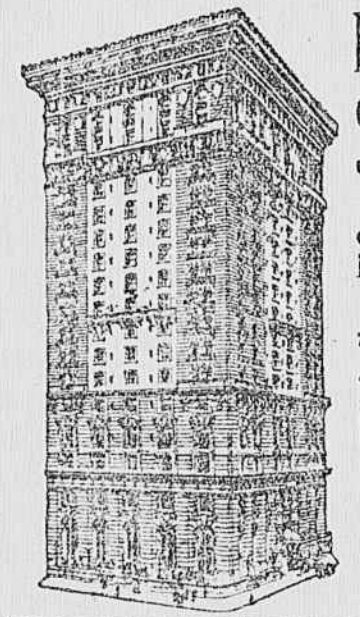
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